IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2134 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE D.A.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

M.B.SOLANKI

Versus

PRINCIPAL CHIEF CONSERVATOR OF FOREST

Appearance:

MRS MC THAKKER for Petitioner No. 1

MR NC THAKKER, AGP, for Respondent No. 1-2

CORAM : MR.JUSTICE D.A.MEHTA

Date of decision: 10/08/2001

ORAL JUDGEMENT

The petitioner who is working in the forest department has claimed that the respondents should be ordered to promote the petitioner to the post of Range Forest Officer from the date on which his juniors were promoted to the said post.

2. As can be seen from the record, the petitioner had approached the Gujarat Civil Services Tribunal, Gandhinagar for identical relief wherein he had challenged the order of the Principal Chief Conservator of Forests granting promotions on 07/8/1981, 03/10/1981 and 25/1/1985. The tribunal for the reasons stated in its order dated 12th March, 1986 has dismissed the

appeal.

3. At the time of hearing, Mr.Manoj Popat, learned Advocate appearing on behalf of the petitioner submitted that he is only seeking relief in relation to the last order of promotion dated 25th January, 1985, in view of the fact that the Departmental Promotion Committee met on 21st December, 1984 and only one adverse remarks for the year 1980-81, which were confirmed by the Reviewing Officer, could not have been taken into consideration. His submission was that as the promotion was effected in May 1985, the adverse remarks for the year 1980-81 were not relevant and the Departmental Promotion Committee ought not to have considered the same.

4. Mr. N.C. Thakker, learned AGP invited our attention to the normal practice adopted by the Forest Department viz. to consider the confidential reports of past five years by the Departmental Promotion Committee. Thus, according to him, the adverse remarks entered into the confidential report for the year 1980-81 were relevant and were rightly considered by the Departmental Promotion Committee. Mr.Thakker further submitted that the case of the petitioner has duly been considered and he has infact promoted on 25th January, 1990 after taking into consideration the confidential reports for subsequent periods.

5. Having heard both the sides and in view of the facts stated hereinbefore, I do not find any good ground to interfere with the order of the tribunal as well as orders of the respondents with special reference to the order of promotion dated 25th January, 1985.

The petition is accordingly rejected. Rule discharged with no order as to costs.

(D.A. Mehta, J)
'Bhavesh'